

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES**

**CRIMINAL ACTION**

**v.**

**RICHARD POTTS**

**NO. 01-457-3**

**ORDER**

**AND NOW**, this 24th day of October, 2018, upon consideration of *pro se* defendant's Motion Pursuant to the All Writs Act 28 U.S.C. §1651, Audita Querela (Document No. 791, filed June 4, 2018), and Response of United States of America In Opposition To Motion Pursuant To The All Writs Act 28 U.S.C. § 1651, Audita Querela (Document No. 797, filed August 14, 2018), and Response of Defendant To The United States' Response In Opposition To Defendant's Pleading (Document No. 798, filed September 4, 2018), for the reasons set forth in the attached Memorandum dated October 24, 2018, **IT IS ORDERED** that Motion Pursuant to the All Writs Act 28 U.S.C. §1651, Audita Querela filed by *pro se* defendant, Richard Potts, is **DENIED**.

**IT IS FURTHER ORDERED** that, to the extent *pro se* defendant's motion is treated as a habeas corpus proceeding, a certificate of appealability will not issue because reasonable jurists would not debate this Court's decision that the petition does not state a valid claim of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**